

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MATTHEW HERBERT FORGEY,)	
)	
Petitioner,)	
)	
v.)	No. 1:17-cv-03029-TWP-MPB
)	
WARDEN, Plainfield Correctional Facility,)	
)	
Respondent.)	

Entry Denying Motion for Leave to Appeal *In Forma Pauperis*

This state habeas corpus prison disciplinary action was dismissed after the State of Indiana vacated the disciplinary sanction it had imposed against petitioner Matthew Forgey and sent the matter back to the prison hearing officer for a rehearing. Mr. Forgey is appealing the dismissal of this action, and he seeks *in forma pauperis* for the appeal so that he may proceed without prepayment of the \$505.00 appellate filing fee.

An appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915; *see Coppedge v. United States*, 369 U.S. 438 (1962). “Good faith” within the meaning of § 1915 must be judged by an objective, not a subjective, standard. *See id.*

There is no objectively reasonable argument Mr. Forgey could present to argue that the disposition of this action was erroneous. In pursuing an appeal, therefore, Mr. Forgey “is acting in bad faith . . . [because] to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit.” *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000).

Accordingly, because Mr. Forgey's appeal is not taken in good faith, and for this reason his request for leave to proceed on appeal *in forma pauperis*, dkt. [37], is **denied**.

IT IS SO ORDERED.

Date: 2/14/2018

A handwritten signature in black ink, reading "Tanya Walton Pratt", is positioned above a horizontal line.

TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Matthew Herbert Forgey
175408
Plainfield Correctional Facility
Electronic Service Participant – Court Only

Electronically Registered Counsel